

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Dennis Landin

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

20STCV07714

10 APS&EE, LLC, a limited liability company, )  
11 Plaintiff, )  
12 v. )

CASE NO. \_\_\_\_\_

**PLAINTIFF'S COMPLAINT FOR  
CIVIL PENALTIES AND INJUNCTIVE  
RELIEF**

13 STZ INDUSTRIES, LLC, a limited liability )  
14 company, TRACTOR SUPPLY COMPANY, )  
15 a corporation, and DOES 1 through 100, )  
16 inclusive, )  
17 Defendants. )

(Health & Safety Code § 25249.6 et seq.)

Judge:  
Dept.:  
Compl. Filed:

Unlimited Jurisdiction

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1 **INTRODUCTION**

2 1. This Complaint is brought by Plaintiff, APS&EE, LLC (“Plaintiff”) in the public  
3 interest of the citizens of the State of California, a representative action to enforce the People’s  
4 right to be informed of the presence of lead (“Lead”), a chemical known to the State of  
5 California to cause cancer and birth defects or other reproductive harm, found in LDR Industries  
6 galvanized fittings sold by Defendants.

7 2. The purpose of this Complaint is to remedy Defendants’ continuing failure to  
8 warn California residents about the risk of exposure to the Lead in the LDR Industries  
9 galvanized fittings manufactured, distributed, sold, and/or offered for sale to consumers in  
10 California.

11 3. Defendants have and continue to manufacture, distribute, sell, and/or offer to sell  
12 the LDR Industries galvanized fittings, including but not limited to 3/4 Tee, 313 T-34, 0-19442-  
13 14917-8, and 301 nipple 1x4. The products described in this paragraph shall hereinafter be  
14 referred to as the “Products”.

15 4. Children and adults are exposed to the Lead when they use, touch, handle, play  
16 with, repair, maintain, install, or drink downstream from, the Products.

17 5. Hazardous levels of the Lead are found in the accessible surface areas of the  
18 Products manufactured, distributed, sold, and/or offered for sale by Defendants to consumers in  
19 California.

20 6. California Health and Safety Code section 25249.6 et seq. (“Proposition 65”)  
21 provides in pertinent part: “[n]o person in the course of doing business shall knowingly and  
22 intentionally expose any individual to a chemical known to the state to cause cancer or  
23 reproductive toxicity without first giving clear and reasonable warning to such individual...”

24 7. Studies repeatedly conclude that exposure to the Lead is hazardous to the health  
25 of children and adults. Children are especially vulnerable to the toxic effects of Lead.  
26 Accordingly, California has listed the Lead as a chemical known to the state to cause cancer and  
27 birth defects or other reproductive harm, and therefore subject to Proposition 65 warning  
28 requirements.





1 constructive knowledge that the Products contain Lead from widespread media coverage and/or  
2 other channels of information (such as California’s “lead-free” law in plumbing fittings)  
3 concerning the presence of Lead in plumbing fittings.

4 23. Lead is a chemical listed by the State of California as known to cause cancer and  
5 birth defects or other reproductive harm.

6 24. Defendants’ Products contain sufficient quantities of the Lead such that  
7 consumers, including children, who use, touch, handle, play with, repair, maintain, install, or  
8 drink downstream from the Products are exposed to unsafe levels of Lead. Lead is present in the  
9 Products in such a way as to expose individuals to Lead, as exposure is defined by 27 CCR  
10 section 25600.1(e): “...that results from a person’s acquisition, purchase, storage, consumption,  
11 or any reasonably foreseeable use...” Direct and indirect exposure occurs through inhalation,  
12 ingestion and/or dermal contact during the reasonably foreseeable use of the Products.

13 25. Defendants knew or should have known that the reasonably foreseeable use of the  
14 Products exposes individuals to Lead through inhalation, ingestion and/or dermal contact.

15 26. Defendants failed to provide a “clear and reasonable warning” to individuals in  
16 the State of California who were or could become exposed to Lead during the reasonably  
17 foreseeable use of the Products.

18 27. By committing the acts alleged in this Complaint, Defendants have violated  
19 California Health & Safety Code section 25249.6 et seq. by knowingly and intentionally  
20 exposing individuals to Lead without first giving clear and reasonable warnings to such  
21 individuals regarding the toxicity of Lead.

22 28. As a result of Defendants’ wrongful conduct, individuals in the State of California  
23 have been exposed to Lead through the inhalation, ingestion and/or dermal contact during the  
24 reasonably foreseeable use of the Products without a “clear and reasonable warning”, and have  
25 suffered and continue to suffer harm, each and every day since at least September 5, 2016.

26 **PRAYER FOR RELIEF**

27 **WHEREFORE**, Plaintiff prays for judgment against Defendants as follows:

28 1. That the Court, pursuant to California Health & Safety Code section 25249.7(b),

1 assess civil penalties against Defendants in the amount of \$2,500 per day for each violation  
2 alleged herein;

3 2. That the Court, pursuant to California Health & Safety Code section 25249.7(a),  
4 preliminarily and permanently enjoin Defendants from manufacturing, distributing, or offering  
5 the Products for sale in California without providing “clear and reasonable warnings” as defined  
6 by 27 CCR section 25601;


7 3. That the Court, pursuant to California Health & Safety Code section 25249.7(a),  
8 order Defendants to take action to stop ongoing unwarned exposures to Lead resulting from use  
9 of Products sold by Defendants;

10 4. That the Court, pursuant to California Code of Civil Procedure section 1021.5, or  
11 any other applicable theory, grant Plaintiff’s reasonable attorneys’ fees and costs of suit; and

12 5. Such other and further relief as may be just and proper.

13  
14 Dated: February 24, 2020

LAW OFFICES OF LUCAS T. NOVAK

15  
16 By:   
17 LUCAS T. NOVAK  
Attorney for Plaintiff, APS&EE, LLC